IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 3510 of 2005

Between:

P.Sreenivasulu, S/o.P.Satyanarayana,
R/o.H.No.13-2-841, Srinivasanagar,
Anantapur, Anantapur District.

..... PETITIONER

AND

1 The Commissioner and Director of Employment & Training, . Govt. of A.P., BRK Bhavan, Tank Bund, Hyderabad.
2 The Regional Deputy Director, Employment & Training Depot, . Govt. of A.P.,Thirupathy.
3 The Principal Government I.T.I., Srisailam, Kurnool Dist.
4 V.V.Muralikrishna, S/o.Ramasubbaiah,
(Electrian)Govt., I.T.I., Srisailam, Kurnool District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue one in nature of writ of certiorari calling for the records with regard to and in connection with, the O.A.No.6491/2004, dated 7-12-2004, on the file of the Hon'ble i.e.A.P.A.T.Hyderabad and quash the same by declaring the view taken by the Hon'ble A.P.A.T.Hyderabad, that O.A.6491/2004, is not maintainable in view of the pendency of O.A.1814/2004, filed by the petitioner, as in correct, and illegal, and consequently direct the Hon'ble A.P.A.T.Hyderabad, to decide O.A.No.6491/2004, on merits forthwith.

Counsel for the Petitioner:KOTHAPALLI RAM MOHAN CHOWDARY

Counsel for the Respondent Nos.1 to 3: GP FOR EMPLOYMENT & TRAINING

Counsel for 4th respondent : Mr.M.Surender Rao.

The Court at the admission stage made the following :

ORDER: (Per the Hon'ble Sri Justice G.Bikshapathy)

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This Writ Petition is filed challenging the order dated 7-12-2004 in O.A.No.6491 of 2004 on the file of the A.P.Administrative Tribunal, Hyderabad.

2. The petitioner earlier approached the Tribunal and filed O.A.No.1814 of 2004 for declaring the results of recruitment to the post of Assistant Training Officer under physically handicapped category. However, while the said O.A.No.1814 of 2004 was pending, the 4th respondent was selected and appointed to the said post of Assistant Training Officer. Therefore, he filed another O.A.No. 6491 of 2004

challenging the appointment of the 4th respondent. The Tribunal, however dismissed later O.A.No.6491 of 2004 on the ground that the same is not maintainable. Aggrieved by the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submits that the earlier O.A.No. 1814 of 2004 was filed by the petitioner for declaring the results and it has become infructuous because the 4th respondent was selected. Therefore, the petitioner filed O.A.No.6491 of 2004 challenging the appointment of 4th respondent and he further submits that the Tribunal ought not have dismissed the O.A.No.6491 of 2004 as not maintainable.

4. We have heard the learned Government Pleader appearing on behalf of the respondents.

5. There is no dispute that the petitioner had filed two O.As. one is seeking a direction to the respondents to declare the results of the selection made for the post of Assistant Training Officer under the physically handicapped category. When once the results were declared and when the 4th respondent was appointed, virtually the O.A. has become infructuous. In such a situation, two courses are left open for him, either to amend the prayer in the earlier O.A.or he can file fresh application challenging the appointment of the 4th respondent.

6. Under these circumstances, we find that the order of the Tribunal is not sustainable.

7. Accordingly, the impugned order in O.A.No.6491 of 2004 is set aside and the matter is remitted back to the Tribunal for fresh consideration on the merits of the case. The learned Tribunal shall issue notices to the parties and disposed of the O.A.No.6491 of 2004 as expeditiously as possible within a period of three months from the date of receipt of a copy of this order. No order as to costs.

G.Bikshapathy,J.

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P.S.Narayana, J.

26th April, 2005.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner and Director of Employment & Training, . Govt. of A.P., BRK Bhavan, Tank Bund, Hyderabad.
2 The Regional Deputy Director, Employment & Training Depot, . Govt. of A.P.,Thirupathy.
3 The Principal Government I.T.I., Srisailam, Kurnool Dist.
4 V.V.Muralikrishna, S/o.Ramasubbaiah,
(Electrian)Govt., I.T.I., Srisailam, Kurnool District.

5. 2 CCs to G.P. for Employment and Training, High Court Buildings,

Hyderabad (OUT)

6. 2 CD copies

7. The Registrar, A.P.Administrative Tribunal, Hyderabad.

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

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WRIT PETITION NO : 3510 of 2005

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26th April, 2005.